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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,890	03/16/2006	Hugh W. Adams Jr.	YOR920020357US2 (590.103)	6517
47049 7590 12/09/2009 FERENCE & ASSOCIATES LLC 409 BROAD STREET PITTSBURGH, PA 15143			EXAMINER PATEL, MANGLESH M	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 12/09/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,890	Applicant(s) ADAMS JR. ET AL.	
	Examiner MANGLESH M. PATEL	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 19 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This **Second Non-Final** action is responsive to the amendment filed on 7/29/2009.
2. NOTE: The Examiner contacted applicants representative on 12/4/2009 for a proposed examiners amendment, however at the time applicant could not be reached.
3. In the amendment claims 1-9, 19 and 21-25 are pending. Claims 22-25 are new. Claims 1, 19 and 22 are the Independent claims.

Withdrawn Rejections

4. The 35 U.S.C. 102(b) rejections of claims 1-19 with cited reference of Vegas (NPL) has been withdrawn in light of the persuasive arguments.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vegas (Vegas 2.0 Users Manual, 2000, Sonic Foundry, pgs 1-411 (In PDF Format)) in view of Gupta (U.S. 7,111,009, filed on Sep. 15, 1999).

Regarding Independent claims 1 and 19, An apparatus for managing multimedia content, said apparatus comprising:

a processor; an arrangement for supplying multimedia content; an input interface for permitting the selection, for observation, of at least one of the following modes associated with the multimedia content: an audio portion that includes video; and a video portion that includes audio; an arrangement for labeling observations of a selected mode, wherein said arrangement for labeling observations of a selected mode comprises: an arrangement for assigning semantic, multimedia content-based labels to segments of said observations of a selected mode; wherein said arrangement for assigning semantic, multimedia content-based labels is configured to: provide a label from a predefined set of multimedia content descriptors; and assign a new label not present in said predefined set of multimedia content descriptors; an arrangement permitting a user to label audio while viewing video having: a

checkbox for labeling foreground sounds; a checkbox for labeling background sounds; and a keyword text box arrangement; and an arrangement for storing said semantic multimedia content-based labels with the multimedia content.

Vegas teaches a video editing software that includes an arrangement for supplying multimedia content such as the videos in the timeline shown in the figure (see page 29 in PDF format). The user selects the video or the audio for editing in the interface furthermore allowing the observation of each as shown along the timeline. The track view holds both video and audio annotations thus including observations of an audio portion that includes video or a video portion that includes audio. Furthermore the editing software allows the user to arrange the video mode or the audio mode for labeling along the timeline (see pages 45-107 & 109--119). Vegas further shows on page 88 the use of a comments field to add labels for noting significant observations in a keyword textbox. The labeling include selecting a semantic label such as the multimedia segments with names associated with the content shown on pg 86 under list view which are in a predefined set of multimedia descriptors and used to label by adding the clip/content or audio data to the media on the timeline. Vegas fails to explicitly teach the use of checkboxes for labeling foreground and background sounds. However Gupta suggests the use of checkboxes for annotating video and audio data (see column 8, line 54-67 & column 11, lines 64-67 to column 9 lines 1-67, regarding checkboxes see column 14, lines 5-67). At the time of the invention it would have been obvious for one of ordinary skill to have implemented the checkbox annotation system with Vegas's video editing software. The motivation for doing so would be to provide metadata annotation information for searching audio and video data saving the user time for determining relevant video/audio segments.

Regarding Dependent claim 2, with dependency of claim 1, Vegas discloses wherein said input interface permits the selection, for observation, of both of the following associated with the multimedia content: an audio portion that includes video; and a video portion that includes audio (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 3, with dependency of claim 1, Vegas discloses wherein said input interface additionally permits the selection, for observation, of solely a video portion of multimedia content (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 4, with dependency of claim 1, Vegas discloses wherein said input interface additionally permits the selection, for observation, of solely an audio portion of multimedia content (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 5, with dependency of claim 1, Vegas discloses wherein said arrangement for supplying multimedia content comprises a working memory which stores annotated multimedia files in an industry standard format (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 6, with dependency of claim 1, Vegas discloses wherein said input interface is adapted to: first permit the selection of a multimedia file and then permit the selection of said at least one of: an audio portion simultaneously with video; and a video portion simultaneously with audio (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 7, with dependency of claim 1, Vegas discloses a working memory for saving the annotated observations of a selected mode (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 8, with dependency of claim 1, Vegas discloses wherein said input interface is adapted to permit the selection, for observation, at least the following mode associated with the multimedia content: a video portion that includes audio (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 9, with dependency of claim 1, Vegas discloses wherein said input interface comprises: an arrangement for permitting the selection, for observation, of a video mode of multimedia content; and an arrangement for selectably adding audio to the video mode for observation (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 21, with dependency of claim 1, Vegas fails to explicitly teach the use of checkboxes for labeling foreground and background sounds. However Gupta suggests the use of checkboxes for annotating video and audio data further disclosing wherein the arrangement for annotating observations of a selected mode is further configured to allow a user to check the check boxes for annotating foreground and background sounds in the audio

being annotated and is further configured to permit the user to note observations not accounted for in the checkboxes for annotating foreground and background sounds in a keywords text box (see column 8, line 54-67 & column 11, lines 64-67 to column 9 lines 1-67, regarding checkboxes see column 14, lines 5-67). At the time of the invention it would have been obvious for one of ordinary skill to have implemented the checkbox annotation system with Vegas's video editing software. The motivation for doing so would be to provide metadata annotation information for searching audio and video data saving the user time for determining relevant video/audio segments.

Regarding Independent claim 22, A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to: permit selection, observation and labeling of multimedia content in one or more modes; provide a plurality of check boxes in a user interface for labeling the multimedia content with a predefined set of multimedia labels; and provide a keyword text box for labeling the multimedia content.

Vegas teaches a video editing software that includes an arrangement for supplying multimedia content such as the videos in the timeline shown in the figure (see page 29 in PDF format). The user selects the video or the audio for editing in the interface furthermore allowing the observation of each as shown along the timeline. The track view holds both video and audio annotations thus including observations of an audio portion that includes video or a video portion that includes audio. Furthermore the editing software allows the user to arrange the video mode or the audio mode for labeling along the timeline (see pages 45-107 & 109--119). Vegas further shows on page 88 the use of a comments field to add labels for noting significant observations in a keyword textbox. The labeling include selecting a semantic label such as the multimedia segments with names associated with the content shown on pg 86 under list view which are in a predefined set of multimedia descriptors and used to label by adding the clip/content or audio data to the media on the timeline. Vegas fails to explicitly teach the use of checkboxes for labeling foreground and background sounds. However Gupta suggests the use of checkboxes for annotating video and audio data (see column 8, line 54-67 & column 11, lines 64-67 to column 9 lines 1-67, regarding checkboxes see column 14, lines 5-67). At the time of the invention it would have been obvious for one of ordinary skill to have implemented the checkbox annotation system with Vegas's video editing software. The motivation for doing so would be to provide metadata annotation information for searching audio and video data saving the user time for determining relevant video/audio segments.

Regarding Dependent claim 23, with dependency of claim 22, Vegas discloses wherein the one or more modes comprise a mode for labeling an audio portion of the multimedia content with or without associated video; and a mode

for labeling a video portion of the multimedia content with or without associated audio (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 24, with dependency of claim 22, Vegas discloses wherein the program of instructions is further executable by the machine to: store labeled multimedia content as industry standard format files (pages 29 & 45-107, including the explanation provided in the Independent claim).

Regarding Dependent claim 25, with dependency of claim 22, Vegas discloses wherein the program of instructions is further executable by the machine to: store labels as MPEG-7 XML files (pages 29 & 45-107, including the explanation provided in the Independent claim).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Response to Arguments

7. Applicant's arguments filed 7/29/2009 have been fully considered but are moot in view of the new grounds of rejection.

Conclusion

References Cited

8. The art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Gupta et al. (U.S. 6,956,593) discloses "User Interface For Creating, Viewing And Temporally Positioning Annotations For Media Content"
 - Gupta et al. (U.S. 6,484,156) discloses "Accessing Annotations Across Multiple Target Media Streams"

Art Unit: 2178

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached M-W & F from 6 am-1:30 pm & TH from 6 am –4 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner (AU 2178)
12/4/2009

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/CESAR B PAULA/

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